Remarks

Claims 1 – 22 are pending in the instant patent application. Claims 1-6 and 8 have been canceled. Claims 7, 13, 19 have been amended. No new matter has been added as a result of the amendments. Amendment to and withdrawal of the claims does not affect inventorship.

Applicant has not dedicated or abandoned any unclaimed subject matter and moreover have not acquiesced to any rejections made by the Patent Office. Applicant reserves the right to pursue prosecution of any presently excluded claim embodiments in future continuation and/or divisional applications.

Claim Amendments:

Claims 7, 13 and 19 have been amended to clarify their scope. Support for the amendment can be found in the Specification, for example, at paragraph [0033]. No new matter has been introduced into the claims as a result of the amendments.

Claim Rejections- 35 U.S.C. § 112, second paragraph

Claims 1-6 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention. Claims 1-6 have been canceled thereby rendering the instant rejection moot.

Claim Rejections- 35 U.S.C. § 101

Claims 1-6 are rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter. Claims 1-6 have been canceled thereby rendering the instant rejection moot.

Claim Rejections- 35 U.S.C. § 103

Claims 1-22 stand rejected under 35 U.S.C. 103(a) as being unpatentable over several references including Scheel (The Impropriety of Benefits-Premiums Ratios in Life Insurance Price Disclosure) and Smith (Three Views of Life Insurance). Applicant responds as follows:

The claims, as currently amended, are directed to a method, system and computer-readable medium for asymmetrically accounting an assessment in a stable value investment product, by adjusting an assessment by a ratio of stable value of said stable value investment product to market value of the

stable value investment product to provide an adjusted assessment; applying the assessment to the market value; and applying the adjusted assessment to the stable value, wherein said market value and said stable value are maintained at the level of an individual insured, and wherein the level of put exposure following application of the assessment is unchanged relative to the level of put exposure prior to the application of the assessment. Neither of the references cited by the Examiner, either singly or in combination, teach or suggest a scenario where an adjustment to an assessment charge causes the put exposure after application of the adjustment to be unchanged relative to the put exposure prior to application of the adjustment. Therefore, the claimed invention is not obvious over the cited references.

In determining the differences between the prior art and the claims, the question under 35 U.S.C. § 103 is not whether the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious. *Stratoflex, Inc. v. Aeroquip Corp.*, 713 F.2d 1530 (Fed. Cir. 1983). A prior art reference must be considered in its entirety, *i.e.*, as a whole, including portions that would lead away from the claimed invention. *W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983). As discussed above, the cited references, either singly or in combination do not teach the claimed invention as a whole. Therefore, the claimed invention cannot be considered to be obvious over the cited references. Hence, withdrawal of the rejection is respectfully requested.

CONCLUSION

In view of the foregoing, it is believed that all claims now pending in this application are in condition for allowance. Should the Examiner not agree, the Applicant respectfully asks the Examiner to contact the undersigned at 214-466-4116 (direct line) to discuss any remaining issues and accelerate the examination and allowance of this application. Authorization is granted to charge any outstanding fees due at this time for the continued prosecution of this matter to Morgan, Lewis & Bockius LLP Deposit Account No. 50-0310 (Client Matter No. 064385-5012US).

Respectfully submitted,

Date: September 11, 2008

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